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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,719	09/29/2006	Roland Schutz	4590-579	9398
33308 7590 11/03/2009 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD, SUITE 300 ALEXANDRIA, VA 22314				
EXAMINER				
LEE, ANDREW CHUNG CHEUNG				
ART UNIT		PAPER NUMBER		
2476				
MAIL DATE		DELIVERY MODE		
11/03/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/594,719

**Applicant(s)**

SCHUTZ ET AL.

**Examiner**

Andrew C. Lee

**Art Unit**

2476

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Claim 1 is pending.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

The acronyms "ACS", "LOC" and "QSM" in the claim should be spelled out at least once in full text. One of ordinary skilled in the art has difficult time to understand what the acronyms stand for. Clarification and appropriate correction are required.

Regarding claim 1, the clause "adapted to" in lines 7 and 13, respectively is not a positive recitation. Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. However, examples of claim language, although not exhaustive, that may raise a question as to the limiting effect of the language in a claim are: (A) "adapted to" or "adapted for" clauses; (B) "wherein" clauses; and (C) "whereby" clauses. See MPEP § 2111.03.

Regarding claim 1, in line 3 there are two prepositions "of" after the amended claim subject matter "the mobility of ~~users~~ of". One of the "of" should be deleted.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Amin et al. (US 6714987 B1).

**Regarding claim 1**, Amin et al. disclose a system for dynamically controlling equipment in a communication system, said system comprising several nodes, said nodes comprising servers, said system taking into account the dynamics associated at least with the mobility of the servers of the nodes, (*Fig. 2, Fig. 3, col. 5, lines 48 – 62, Fig. 9, “mobility manager” interpreted as system taking into account the dynamics associated at least with the mobility of the servers of the nodes, col. 20, lines 23 – 53*), said system comprising at least one control module comprising at least: a control block comprising: a control component ACS adapted to process authentication of users connected to a network, dynamic configuration of IP addresses, management of authorizations for service requests from users, configuration of the network components according to the authenticated users (*Fig. 2, Fig. 3, Fig. 4, col. 13, lines 7 – 22, col. 15, lines 36 – 52*); a control component LOC for the process of user affiliation, server mobility, user location and application-oriented service routing (*Fig. 2, Fig. 3, Fig. 4; col. 11, lines 9 – 24, Fig. 9, col. 20, lines 23 – 53, Fig. 13, col. 21, lines 35 – 60*); a control component QSM adapted to process service quality management on the highways of the network (*“QoS policy and policy enforcement points”; Fig. 2, Fig. 3, Fig. 4, Fig. 19, col. 27, lines 45 – 55*); a block comprising one or more of the following elements: a

component for the various user services, the network components, a component for connectivity to the external *entities* (*"establishing and managing voice, paging, short message service (SMS), and circuit and packet data oriented services"*; Fig. 2, Fig. 3; col. 7, lines 31 – 53).

### ***Response to Arguments***

5. Applicant's arguments filed on 10/08/2009 with respect to claim 1 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argues "When reading the specification, a person of skill in the art may only deduced that the users and the nodes are mobile in the disclosed arrangement. Applicants submit that the applied reference of Amin fails to disclose the claimed features above, inasmuch as the claimed features require that all the users are mobile, whereas Amin appears to disclose a centralized structure, i.e., a static structure" (see applicant's remark dated 10/08/2009, page 5).

In response to applicant's remark, Examiner respectfully disagrees.

Applicant is reminded that, although the claim is interpreted in light of the specification, limitations from the specification are not read into the claim. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

However, there are discrepancies between applicant's remark and the amended claim subject matter:

"Said nodes comprising servers, said system taking into account the dynamic associated with the mobility of all the users and the mobility of the servers of the nodes"

(see applicant's remark, page 4), while the amended claim subject matter addressed "said nodes comprising servers, said system taking into account the dynamics associated at least with the mobility of the servers of the nodes". Examiner would request applicant to provide clarification for these issues.

Examiner contends reference Amin teaches all the limitations as disclosed in claim 1. Examiner interpreted "said nodes comprising servers, said system taking into account the dynamics associated at least with the mobility of the servers of the nodes" as Mobility manager see reference Amin, *Fig. 9, col. 20, lines 23 – 53, Fig. 13, col. 21, lines 35 – 60, col. 7, lines 31 – 54*. Applicant further argues Amin appears to disclose a centralized structure, i.e., a static structure". Examiner contends the applicant's remark is irrelevant to the claim subject matters in the claim.

It is addressed explicitly in applicant's Title of the specification "system for dynamic control of an IP network as well as in FIELD OF THE INVENTION: The invention relates to a system for controlling equipment in a telecommunication network, taking into account in particular the constraints of mobility, security and service quality for users connected to the network and taking into account service quality requests that can be expressed dynamically by a user via a signaling protocol. The context does not disclose whether the invention is centralized structure, i.e., a static structure or not.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Bjelland et al. (US 6973054 B2).
- b) Amin et al. (US 20020152319 A1).
- c) Dantu et al. (US 7225238 B1).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/  
Examiner, Art Unit 2476  
<10/31/2009:1Qy10>

/Ayaz R. Sheikh/  
Supervisory Patent Examiner, Art Unit 2476